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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-fifth session

SUMMARY RECORD OF THE 20th MEETING

Held at the Palais des Nations, Geneva,
on 4 May 2001, at 3 p.m.

Chairperson: Mrs. BONOAN-DANDAN

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The meeting was called to order at 3.10 p.m.

FOLLOW-UP TO THE CONSIDERATION OF REPORTS UNDER ARTICLES 16 AND 17 OF THE COVENANT (agenda item 7)

Additional information transmitted by Israel on the realization of economic, social and cultural rights in the occupied territories (document without a symbol distributed during the meeting, in English only)

1. The CHAIRPERSON recalled that, on 2 December 1998, the Committee had adopted its concluding observations concerning the initial report of Israel (document E/C.12/1/Add.27) and, on that occasion, had requested the State party to furnish additional information on the realization of economic, social and cultural rights in the occupied territories by its twenty-third session (14 August-1 September 2000). Since the Committee had not received the information requested, it had sent a letter to the Permanent Mission of Israel to the United Nations Office at Geneva in December 2000 informing it that the question would be considered on 4 May 2001, whether or not the information requested had been received. The information had finally been transmitted in April 2001, but at too late a date for translation into the working languages of the Committee. She nevertheless proposed that the members of the Committee should consider the question of the realization of economic, social and cultural rights in the territories occupied by Israel on the basis of the abundant information at its disposal, in particular the many reports by non-governmental organizations, especially as a representative of the Permanent Mission of Israel was attending the meeting as an observer. She asked the members of the Committee for their opinion.

2. Mr. HUNT pointed out that the State party had been informed sufficiently early of the Committee's programme of work for the information requested to have been transmitted in time to be translated and discussed at the current session. There was naturally no question of considering a document which was only in English, but it should still be possible to discuss the matter briefly at the current meeting on the basis of information already available to the Committee, which could then agree to send a letter to the State party informing it of the points raised and stressing the violations of the provisions of the Covenant in the occupied territories giving rise to social injustice that only made the situation worse.

3. Mr. SADI said that the Committee had requested additional information from Israel on the realization of economic, social and cultural rights in the occupied territories, in 1998 because it had considered the situation to be critical and to require special attention. Matters had not improved since then, far from it. The Committee could therefore discuss the question without further delay and possibly initiate a dialogue with the representative of the State party who was present, although only as an observer.

4. Mr. GRISSA said he agreed with Mr. Hunt that, since the additional report of Israel was available in English only, the Committee was not in a position to consider the situation in the occupied territories. He therefore proposed that the consideration of the question should be postponed until a later session of the Committee.

5. Mr. RIEDEL said it was unacceptable that Israel was continuing to claim that it was not legally responsible for the implementation of the Covenant in the occupied Palestinian territories. Naturally, the Committee should consider the situation of economic, social and cultural rights in the territories occupied by Israel in detail only when it had before it the additional report translated into the working languages. In the circumstances, however, the Committee could also continue to consider the initial report of Israel under the scheduled procedure in the absence of reports and so inform the State party by letter.

6. Mr. CEAUSU said that the Committee held Israel responsible for human rights violations in the occupied territories, although the State party continued to claim the contrary on the pretext that certain powers had been transferred to the Palestinian Authority as a result of agreements between the two parties. The Committee could perhaps request the viewpoint of the Palestinian Authority on the matter.

7. The CHAIRPERSON stressed that that was a sensitive issue because the Palestinian Authority was not officially recognized as a State.

8. Mr. RATRAY said he was of the opinion that, all things considered, the Committee could not take a decision on the issue as things stood. It might perhaps be possible to take a middle-of-the-road approach in the form of a letter from the Chairperson asking the State party to refrain from aggravating the situation and to show restraint in the occupied territories.

9. Mr. TEXIER said that the situation in the occupied territories had not only not improved, but had worsened considerably as a result of the frequent cordoning-off of the territories, the growing poverty of their inhabitants, the failure to respect the basic rules of humanitarian law, etc. The right of the Palestinian people to self-determination was being violated, just as the refugees' right of return was being flouted. The Committee could not remain silent in the face of that unacceptable situation. He therefore proposed that the Committee should send a firm letter to the Government of Israel expressing deep concern about the deterioration of the situation in the occupied territories and requesting a dialogue on the subject with representatives of the State party, preferably at the special session scheduled for August 2001.

10. Mr. RIEDEL stressed the need to remind the State party that, in the absence of a representative of the Government of Israel when the situation of economic, social and cultural rights in the occupied territories was considered, the Committee would follow the established procedure in such cases.

11. Mr. SADI said that the Committee should take note in its letter to the State party of the rejection by Israel of all responsibility for the situation of economic, social and cultural rights in the occupied Palestinian territories.

12. Following a discussion in which Mr. WIMER, Mr. GRISSA, Mr. MARTYNOV, Mr. RIEDEL and Mr. SADI took part, the CHAIRPERSON said that there seemed to be a consensus on the need to send the Government of Israel a letter deploring the late reception of the additional report which had been requested from the State party, insisting on Israel's responsibility for the situation in the occupied Palestinian territories, expressing deep concern

about the violation of economic, social and cultural rights in the territories and informing the Government of the Committee's decision to consider the additional report of the State party on the situation in the occupied territories at its special session in August 2001 or, at latest, at its twenty-seventh session. She proposed that a draft letter along those lines should be submitted to the members of the Committee as soon as possible.

13. The proposal was accepted.

The meeting was suspended at 4.15 and resumed at 4.30 p.m.

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 5) (continued)

Draft statement entitled: "Poverty and the International Covenant on Economic, Social and Cultural Rights" (HR/CESCR/NONE/2001/6)

14. The CHAIRPERSON asked Mr. Hunt (Rapporteur) to introduce the main amendments to the draft statement (HR/CESCR/NONE/2001/6).

15. Mr. HUNT (Rapporteur) recalled that the Committee had had a lengthy discussion on whether the draft text should be a statement or a general comment. After further consultation with several members of the Committee, it seemed more realistic to make it a statement, in the hope that, in due course, the ideas it contained would provide a basis for drafting a general comment. The text was supposed to be the Committee's contribution to the Third United Nations Conference on the Least Developed Countries, to be held in Brussels in May 2001. As to the deep-seated causes of poverty and the solutions to be found he did not agree with Mr. Ceausu that they belonged more in a different kind of document. In accordance with the usual practice, he proposed that the Committee should consider the new version paragraph by paragraph.

Paragraphs 1 and 2

16. Mr. HUNT (Rapporteur) proposed that paragraphs 1 and 2 should be merged and slightly amended to take account of the fact that the majority of the members of the Committee found it acceptable to state that "poverty constitutes a denial of human rights".

17. Paragraphs 1 and 2, as amended, were adopted.

Paragraph 3

18. Paragraph 3 was adopted.

Paragraph 4

19. Mr. HUNT (Rapporteur) proposed that the last sentence, the wording of which was included in the new paragraph 1, should be deleted.

20. Paragraph 4, as amended, was adopted.

Paragraph 5

21. Paragraph 5 was adopted.

Paragraph 6

22. Mr. MALINVERNI expressed reservations concerning the last sentence. It was an exaggeration to say that "the greater empowerment of women is an essential precondition for the eradication of global poverty", especially as it was stated earlier in the paragraph that "women and girls bear a disproportionate burden of poverty".

23. Mr. TEXIER, supported by Mr. MALINVERNI and Mr. RIEDEL, proposed that the words "in particular" should be added before the words "is an essential precondition".

24. Mr. MARCHÁN ROMERO said that he would have preferred the text to state that the greater empowerment of women was an important factor for the eradication of poverty, but he did not object to the adoption of the paragraph as amended orally.

25. Paragraph 6, as amended, was adopted.

Paragraph 7

26. Mr. MALINVERNI proposed that the words "and exercise" should be deleted in the last sentence.

27. Paragraph 7, as amended, was adopted, subject to drafting changes.

New paragraph 8

28. Mr. HUNT (Rapporteur) read out the new paragraph 8, which contained the second and third sentences of paragraph 9 and specified that the definition of poverty corresponded to many provisions of the Covenant.

29. Mr. CEAUSU proposed that the word "hunger" should be inserted in the third sentence of the new paragraph, after the words "frequent illness", since it was a major characteristic of poverty.

30. Mr. AHMED suggested that the words "frequent illness" should be replaced by the words "endemic diseases", since persons who were well off also suffered from frequent illness.

31. Mr. ATANGANA proposed that the words "often accompanied by" should be added to show that that was not always the case.

32. Mr. CEAUSU suggested that the words "frequent illness" should be replaced by the words "vulnerability to diseases".

33. The CHAIRPERSON proposed that the words "frequent illness" should be deleted and the word "hunger" added.

34. The proposal was accepted.

35. New paragraph 8, as amended, was adopted.

New paragraph 9

36. Mr. HUNT (Rapporteur) read out new paragraph 9, which was largely based on former paragraphs 8 and 10.

37. Mr. SADI said that the definition of poverty which had been adopted was too broad because it would imply that 80 per cent of the world's population lived in poverty.

38. Mr. HUNT (Rapporteur) said that a large proportion of mankind did indeed live in poverty and that a broad definition of poverty underscored its multidimensional nature.

39. Mr. RIEDEL said that he would have liked the word "power" to be replaced by the word "participation", but he did not object to the adoption of new paragraph 9.

40. New paragraph 9 was adopted.

Paragraph 10

41. Paragraph 10 was deleted.

Paragraph 11

42. Paragraph 11 was adopted.

Paragraph 12

43. Mr. SADI, supported by Mr. MALINVERNI, proposed that the phrase "such as freedom of assembly and the right of access to information" in the second sentence, following the words "civil and political rights", should be deleted. In the last sentence, he suggested that the words "all children, women and men" should be replaced by the words "all people".

44. Paragraph 12, as amended, was adopted.

Paragraph 13

45. Mr. SADI suggested that the third sentence should state that "Discrimination causes poverty", instead of "Discrimination may cause poverty", and that "poverty causes discrimination", instead of "poverty may cause discrimination".

46. Mr. CEAUSU proposed that the words "may cause" in the same sentence should be replaced by the words "may encourage".

47. Following a discussion in which Mr. RIEDEL and Ms. BARAHONA RIERA took part, the CHAIRPERSON said that it was better not to amend the wording of the third sentence.

48. The two proposals were rejected.

49. Mr. HUNT (Rapporteur) said it had been proposed that the phrase in square brackets in the last sentence should be deleted and that the phrase "and individuals from such groups" should be added after the words "vulnerable groups" in order to take account of the collective and individual aspects of the question.

50. Paragraph 13, as amended, was adopted.

Paragraph 14

51. Mr. MALINVERNI suggested that a footnote should be added at the end of the second sentence referring to the articles of the International Covenant on Economic, Social and Cultural Rights and the Declaration on the Right to Development which dealt with the right to participate and that, in the French text, the words "droit de participer" should be replaced by the words "droit de participation".

52. Paragraph 14, as amended, was adopted.

Paragraph 15

53. Mr. SADI suggested that the emphasis of the first sentence should be changed; it should be amended to read: "In conclusion, anti-poverty policies are more likely to be effective, sustainable, inclusive, equitable and meaningful to those in poverty if they are based upon international human rights."

54. Paragraph 15, as amended, was adopted.

Paragraph 16

55. After a discussion on the wording of the first and third sentences of the paragraph, in which Mr. HUNT (Rapporteur), Mr. SADI, Mr. MALINVERNI, Mr. RIEDEL, Mr. MARTYNOV, Mr. CEAUSU and the CHAIRPERSON took part, the following compromise wording was proposed:

First sentence

"The Covenant empowers the poor by granting them rights and imposing legal obligations on others, including the State."

Third sentence

"Accordingly, the human rights approach to poverty emphasizes obligations and requires that all duty-holders, including States and international organizations, are held to account for their conduct in relation to international human rights law."

56. Paragraph 16, as amended, was adopted.

Paragraph 17

57. Paragraph 17 was adopted.

Paragraph 18

58. It was suggested that a sentence should be added to footnote 12 to read: "The Covenant refers to international assistance and cooperation in articles 2, paragraph 1, 11, paragraph 2, 15, paragraph 4, 22 and 23."

59. Paragraph 18, as amended, was adopted.

Paragraph 19

60. Paragraph 19 was adopted.

Paragraph 20

61. It was suggested that the second sentence of the paragraph should be worded to read: "First, because core obligations are non-derogable, they continue to exist in situations of conflict, emergency and natural disaster."

62. Paragraph 20, as amended, was adopted.

Paragraph 21

63. Paragraph 21 was adopted.

Paragraph 22

64. Paragraph 22 was adopted.

Paragraph 23

65. In the fourth sentence, it was suggested that the following should be added after "excessive foreign debt": "the widening gap between the rich and the poor and the absence of an equitable multilateral trade, investment and financial system".

66. Paragraph 23, as amended, was adopted.

Paragraph 24

67. Paragraph 24 was adopted.

Paragraph 25

68. Paragraph 25 was adopted.

69. The draft statement entitled "Poverty and the International Covenant on Economic, Social and Cultural Rights", as a whole, as amended, was adopted, subject to subsequent drafting changes.

The meeting rose at 5.55 p.m.